

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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James Pilgrim,

Petitioner,

—v—

United States of America,

Respondent.

15-cr-95 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On April 12, 2016, the Government charged James Pilgrim in the S2 superseding indictment filed in the above-captioned case for offenses connected to his alleged involvement with the Big Money Bosses street gang. Dkt. No. 97. On December 13, 2016, he pled guilty to Count Four and allocuted to brandishing a firearm during and in relation to a racketeering conspiracy in violation of 18 U.S.C. § 924(c)(1)(A)(ii). *See* Dkt. Nos. 1224, 1783. On August 23, 2017, the Court imposed a sentence of 84 months' imprisonment on Count Four, to be followed by five years of supervised release. *See* Dkt. No. 1714.

On June 15, 2020, Mr. Pilgrim filed a motion to vacate his conviction under 28 U.S.C. § 2255 in light of the Supreme Court's decision in *United States v. Davis*, 139 S. Ct. 2319 (2019). Dkt. No. 2889. Mr. Pilgrim's conviction can no longer stand after *Davis*, because a racketeering conspiracy qualifies as a "crime of violence" only under the now-stricken residual clause of 18 U.S.C. § 924(c)(3). *Davis*, 139 S. Ct. at 2336.

As noted at the February 15, 2022, sentencing proceeding held in this matter, Mr. Pilgrim's petition for a writ of habeas corpus is GRANTED. His conviction on Count Four of the S2 superseding indictment and the sentence imposed on August 23, 2017, *see* Dkt. No. 1783, are thus VACATED.

At the February 15, 2022, proceeding, Mr. Pilgrim pled guilty to Count One of the S15 superseding information, and the Court sentenced him to 54 months' imprisonment, to be followed by three years of supervised release.

This resolves Dkt. Nos. 2889.

SO ORDERED.

Dated: February 25, 2022
New York, New York



ALISON J. NATHAN
United States District Judge